

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LUCINDA A. ZURIK,	)	
Plaintiff	)	
	)	
vs.	)	Civil Action No. 09-64
	)	Judge Donetta W. Ambrose/
	)	Chief Magistrate Judge Amy Reynolds Hay
WOODRUFF FAMILY SERVICES;	)	
WOODRUFF FUNDING SERVICES,	)	
Defendants	)	

**ORDER**

AND NOW, this 15<sup>th</sup> day of December, 2009, after the Plaintiff, Lucinda A.

Zurik, filed an action in the above-captioned case, and after a Motion for Partial Dismissal of Amended Complaint was filed by Defendants, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until November 5, 2009, to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Defendants' Motion for Partial Dismissal of Amended Complaint pursuant to Fed.R.Civ.P. 12(b)(6) (Doc. 14) is granted in part and denied in part. Dismissal is proper as to any claim for punitive damages under the Pennsylvania Human Relations Act (PHRA) and for any claim for compensatory and punitive damages under the Age Discrimination in Employment Act (ADEA). The Amended Complaint states a claim for punitive damages under Title VII of the Civil Rights Act of 1964, as amended, (Title VII), that is

at at least facially plausible and, hence, dismissal is not appropriate at this stage.

A handwritten signature in black ink, reading "Donetta W. Ambrose", written over a horizontal line.

DONETTA W. AMBROSE  
United States District Judge

cc: Honorable Amy Reynolds Hay  
United States Magistrate Judge

All Counsel of Record by electronic filing